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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

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Outgoing
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October 12, 2010

Ken May, General Manager
Canyon Fuel Company, LLC
597 South SR24
Salina, Utah 84654

Subject: Proposed 2010 Mitigation Plan for the North Water Springs Area, Task ID #3580,
Canyon Fuel Company, LLC, SUFCO Mine, C/041/0002

Dear Mr. May:

The Division reviewed your application to conduct mitigation activities to the North Water Springs area by constructing a pumping system from Spring M-SP89. On July 26, 2010, the Division sent you a letter that listed deficiencies which Canyon Fuel Company needs to satisfactorily address in order to meet the requirements of the R645 Coal Mining Rules.

No date was given for Canyon Fuel Company to reply; however, as it has been almost three months since the Division sent that list of deficiencies, and the impacts to the hydrologic systems at the North Water Area continue unabated. Both the Division and Canyon Fuel Company will benefit from timely remediation of those impacts. Therefore, please submit the response to the deficiencies identified in the July letter by November 8, 2010.

Sincerely,

James D. Smith
Permit Supervisor

JDS/sqs
Attachment
cc: Price Field Office
O:\041002.SUF\WG3580\09212010.JDS.DOC

Deficiency List

Task No. 3580

Task Name: Proposed 2010 Mitigation Plan for the North Water Springs Area

The members of the review team include the following individuals:

April A. Abate (AAA)

Ingrid Campbell (IC)

James C. Owen (JCO)

- **[R645-301-731; 731.224.1; 731.750; 800]:** Water Rights: The plan does not indicate that Canyon Fuel Company has a right to use of water from spring M-SP89 to divert for stock watering purposes. Prior to obtaining water from the spring, Canyon Fuel Company must demonstrate this right. (AAA)
- **[R645-301-721]:** The scale on Figure 1 was shown as 1" = 1,000 feet. However the scale was not correct when measured and will need to be resubmitted when the final copy is incorporated into the MRP. (AAA)
- **[R645-301-760]:** The application in its present form does not address who will operate and maintain the pump system once the mine goes into reclamation phase. The United States Forest Service (USFS) manages the land; however, the Emery Stockgrowers Association maintains permits to graze with the USFS. SUFCO will need to address who will be responsible to operate and maintain the pump system once the mine enters into reclamation phase. (AAA)
- **[R645-301-800]:** SUFCO must incorporate the costs of bonding for this pump system in their plan. (AAA)
- **[R645-301-521]:** The applicant should include a plan, with maps, cross sections, narrative, descriptions, and calculations indicating how the relevant requirements are met in terms of the adequacy of all pumping, piping, and powering equipment that will be used in the system. The Division requests that when the details of pump size, configuration, etc. are submitted, that adequate calculations are provided indicating that the pumping system will be of sufficient capacity to accommodate the size, length, and flow requirements of the system. (JCO)
- **[R645-301-542.100]:** The applicant must submit a detailed timetable for the completion of any reclamation that is associated with the project. Also, according to **R645-301-526** and **R645-301-526.210**, the applicant must include a narrative explaining the construction, modification, use, maintenance, and removal of the water line system. In addition, a registered professional engineer must certify maps, cross sections, etc. (JCO)
- **[R645-301-411.140]:** At least one potentially eligible cultural resource site exists within the North Water Mitigation Area according to confidential appendix 4-2 of the M&RP. Please include the cultural resource locations on a map with the mitigation water line to show that the resources will not be affected. (IC)
- **[R645-301-333.300, -358]:** Please include a protection and enhancement plan for habitats of unusually high value for fish and wildlife such as riparian areas. This could include protecting the riparian areas from overgrazing and ensuring an adequate amount of water to be restored to dried spring areas in addition to filling a trough for livestock and wildlife. (IC)
- **[R645-301-353]:** Please include a list of plant species that will be used in the seed mix for this project that meets all the requirements of this regulation. (IC)

In addition to the above-mentioned deficiency list, the Division recommends that Canyon Fuel Company include all areas associated with the North Water Springs Mitigation project in the annual raptor survey. Due to the increased surface activity associated with the water redistribution project, an active golden eagle territory exists in section 3 of T21S R5E and could be affected by the proposed activities, especially if the activities occur between critical breeding and nesting periods (January 1- August 31). (IC)